

SERC Meeting

November 19, 1999

11:00 a.m.

John Pack began the meeting at 11:07 a.m. for those in attendance see attached roster. The minutes of September 27, 1999 were reviewed. Mr. Pack asked for corrections/deletions or additions. One correction was noted - the time for today's meeting is 11:00 a.m. not 10:00 a.m.. Roy McCallister moved to approve the minutes with corrections, Rudy Raynes seconded. Motion passed with corrections.

HMEP Grants - Mr. Pack said the 2000 HMEP sub-committee met and reviewed the additional requests for HMEP grants. There was a substitution for Denny McGann, during Mr. McGann's trip to Charleston, his vehicle broke. Loretta Bitner very ably replaced him and rearranged her schedule to accommodate the review committee's need to assess the packets. There were three requests from LEPC's who have approved grants for additional funding. Tyler County requested an additional \$3000 for a Terrorism annex, under HMEP guidelines this request could not be approved. Kanawha/Putnam requested an additional \$1230 to purchase additional CD's and Monongalia requested an additional \$1443 for additional printing costs. The subcommittee asked to table Kanawha/Putnam and Monongalia's requests, they felt the funds could be better utilized by approving projects and if funds become available by LEPC's not utilizing their funds then the recommendation would be to approve Monongalia then Kanawha/Putnam LEPC's requests in that order. One grant application was unintentionally misfiled and was not available for the review committee to look at and Laverne apologizes for any inconvenience it has caused. Cabell/Wayne County LEPC's application was received after the deadline and could not be approved. Wood County LEPC's application requested funds for radio equipment, under HMEP guidelines equipment purchases are not authorized, but Mr. Pack suggested D.R. Smith see him after the meeting he had some funding avenues for Mr. Smith to pursue. Mason County LEPC's application also requested funds for equipment and could not be approved under HMEP guidelines. Of the 4 remaining applications Greenbrier, Lewis/Upshur, Raleigh and Gilmer, the subcommittee requests the SERC to approve Greenbrier, Lewis/Upshur and Raleigh. Funding these three projects left \$782. It was at this time Gilmer County's application was discovered, the review committee arrived early before today's meeting to review Gilmer's packet and provide a recommendation to the SERC. They recommend we fund Gilmer County's request with \$782 of HMEP funds and the remaining \$1218 from SERC funds to be repaid to the SERC if LEPC's do not utilize all of their grant funds. Gilmer

County's first time application was as well or better prepared than many of the LEPC's who apply year after year. The committee felt it appropriate to encourage as many new LEPC's as possible. Mike Agee moved to approve the committee's recommendations including funding from SERC funds for Gilmer County, Denny McGann seconded. Motion passed. Mr. Pack asked Laverne about 1999 HMEP grant funds, if all funds have been expended if not why. Laverne said Harrison County has not requested any funds but the project has been complete, Mr. Smart is out of the office and will be back next week. He will be contacted again at that time. Hancock/Brooke and Marshall/Wetzel submitted requests for reimbursement yesterday. Mineral County did not expend all of their funds but we were holding \$1295 in abeyance until they finished their printing before reallocating the funds. Mr. McGann said to proceed with the reallocation, Mineral County LEPC will not need the final \$1295 to complete their project. Mr. Pack asked Loretta Bitner to report to the SERC the final product (Commodity Flow Study) submitted by Marshall/Wetzel County LEPC for \$4492. Ms. Bitner said the report was vague, general and no useable detail was provided. There is no indication of how many trucks were surveyed, how many trucks had non-hazardous materials, how long the survey lasted, time of day, or day of week(s). Ms. Bitner (PSC) said her specialty is trucks, it appears the contractor did not have a grasp of the regulations involving hazardous materials truck transport. Mr. Pack asked Ms. Bitner if you could do a risk analysis, update a plan or make decisions based on information from this study? Ms. Bitner said you would not be able to do any of those things or in her opinion anything else useful with the information provided by the contractor. Mr. McGann asked who the contractor is? Ms. Bitner said it was Rescue Training Concepts. Mr. Pack asked Dan McKinney to report his evaluation of Hancock/Brooke County LEPC's product. Mr. McKinney said the same contractor Rescue Training Concepts produced this product for \$2972. They were supposed to produce and exercise a full scale exercise. Evaluate the operational and capability of emergency management systems within Hancock and Brooke counties. There were copies of other training manuals with page numbers deleted, within the first paragraph 6 words were misspelled, the type of product produced is inadequate at best. Mr. Cox said this product would not meet requirements FEMA has determined for an acceptable exercise. Mr. McGann discussed this contractor, previous products from him were also unacceptable. There was considerable discussion on payment to the contractor, contractual obligations, LEPC liability, product evaluations and if it is possible to refuse payment until the product is upgraded to an acceptable standard. Mr. Pack said the contractor had received a verbal reprimand on the products submitted last year and he hoped that would be enough to reform the contractors products, apparently that was an incorrect assumption. Mr. Pack also wanted to make sure that when products are evaluated we keep in mind the funding, size and other available resources of the LEPC. Comparing LEPCs such as Wood or Kanawha/Putnam with a Gilmer or

Tucker County would be unfair, smaller counties do not have the resources or experts to pull from as do larger counties. Ms. Bitner asked if either LEPC had been contact and asked their views on the finished products? Mr. Pack said no the products had been FedEx to us on Tuesday and the LEPCs had not been contacted yet but Marshall/Wetzel, Hancock/Brooke and the contractor will be contacted by letter stating the SERCs unhappiness with the situation. Roy McCallister made a motion to look at the past history of the contractor (Rescue Training Concepts) and determine if a consistent track record of unacceptable products have been submitted, when a grant is submitted using RTC or is associated with RTC the grant be denied. Mr. Jarvis seconded. There was considerable discussion if a contractor could be banned or if an approved contractor list can be utilized. Mr. Pack said legally we cannot ban any contractor but we can produce a list of contractors acceptable to the SERC. Mr. Pack also suggested members of the sub-committee meet with the LEPC's and the contractor and outline specifically the problems the SERC feels the products represent. There was considerable discussion on the LEPCs liability, their acceptance of the product submitted and payment to the vendor for the product. The general consensus is the SERC would prefer to refuse payment but legally it is not an option. Mr. Pack suggested the SERC process the request for payments, inform the vendor and LEPCs of the SERCs displeasure for failure of the product to meet expectations, inform the vendor that LEPCs submitting applications utilizing RTC will be informed that this vendor needs to be extensively supervised and that the LEPC will be liable to pay the vendor if the product does not meet SERC standards. Mr. McGann said it needs to be impressed upon the LEPCs that when they publish a document they are legally and liable for that document as is the producer of the document. There was discussion on the ability to refuse the documents and return them to the LEPCs and vendor for upgrade. Mr. Pack said time constraints will not permit that course of action, if the funds are not expended by a certain date the funds will be have to be returned to USDOT. Mr. Pack said there is still an active motion from Roy McCallister on RTC. 1Sgt McCallister withdrew his motion, Mr. Jarvis seconded the withdraw. Motion will not be considered. Mr. Pack said the subcommittee will meet and review the products from the last three years and try to determine a vendor list. If any LEPC is utilizing RTC this year a letter will go out to the LEPC emphasizing their responsibility in supervising the vendor and their legal liability. The letter will also state the SERC right to refuse a product and refuse payment based on merit. JR Bias (Kanawha/Putnam) asked if the sub-committee penalized LEPCs who have additional revenues when determining grant amounts? Mr. Pack said no, when the review committee meets the merit of the application and the type of project requested is paramount. The committee first determines the LEPCs eligibility, the merit of the proposed project then determines the funding available. All LEPCs are treated equally once they are determined to be eligible and have a fundable project. If there are

more requests than funds all LEPC funding requests will be cut, it is not considered whether or not the LEPC can obtain funding from another source. There was discussion on the application process, the sub-committee review process and determination of funding. DR Smith was concerned if an LEPC does scurry around and find additional funding to supplement grant funds to produce a better product they are not penalized during the next grant period and receive less funding because it is felt they may be able to access another funding source. Mr. Pack stated an LEPC who continuously provides good products and expends funds wisely is not penalized for those efforts, an LEPCs ability to procure additional funds is not looked at during the review process. It is noted the LEPC may be able to enhance the product with additional funding but that does not determine the amount of the awarded funds.

SERC Grants - Two SERC grant requests were received, Wirt and Gilmer. Both LEPCs have recently become active and Gilmer will submit their plan today for consideration by the SERC. 20 counties have applied for their 1999 SERC grants, the deadline for expenditure funds to LEPCs is March 2000. At present only 2-3 counties have requested all of their available SERC funds. Ritchie county has requested their 1998 and 1999 grant funds but they do not meet the requirements. Ritchie county does not have a plan, they have submitted By-Laws and an LEPC list which the SERC approved, but we have been unable to procure a plan from them. Since the SERC will not meet again before the end of the year that means Ritchie County will lose approximately \$3500 in funds unless the SERC wants to make an exception. Mr. Pack said no, we should follow the law as its written now. Mr. Pack stated he requested Dave Wheatcraft produce a SERC budget. 1999 showed a loss of \$22,000 in SERC funds due to the higher threshold limits for gasoline stations. During this legislative session a fee increase will not be sought, but the fee structure needs to be addressed. Mr. Pack suggested a sub-committee be formed to look into options. He feels if something is not done in a few years the program may become insolvent since fees are used for SERC grants, to match HMEP funds and provide salaries for two employees. Dave Wheatcraft plans to attend at least one meeting of LEPCs each year if possible and has additional projects he would like to begin implementing depending upon the evaluation of our funding prospects.

Plan Reviews - Two plans have been received: Wirt and Monongalia Counties, both counties meet all 9 requirements. Wirt is a first time filer and Monongalia is updating their plan. Rudy Raynes moved to accept the plans, Denny McGann seconded. Motion passed.

LEPC Membership Approvals - The following counties submitted LEPC lists for approval: Cabell/Wayne, Hampshire, Lewis/Upshur, Mineral, Mingo, Ritchie, Tucker and Wirt. Mineral requested their list be tabled for revisions. Mingo

County submitted their list this morning so it is not in our normal format but the LEPC meets each of the 12 categories. Hampshire County does not have a Local Environmental individual listed but it is recommended all of the LEPCs be approved with Hampshire requested to provide an individual to represent Local Environmental. Denny McGann moved to approve the LEPC membership lists submitted with the stipulation Hampshire County appoint a representative for Local Environmental. Roy McCallister seconded. Motion passed.

By-Laws - Tucker county has submitted the requested corrections to their By-Laws.

Training Subcommittee - Mr. Cox said letters to agencies have been mailed. Mr. Cox coordinated with Ms. Bitner on training after January for PSC personnel. JR Bias said C.W. Sigman (South Charleston Fire Chief) is writing a Hazmat refresher course that once it is approved by law enforcement and fire extension service will train all law enforcement personnel throughout the state. Kanawha/Putnam is partnering with the Community Policing Institute and Washington DC to approve this training so 2500-3000 police officers can be trained this year. RESA and CPI will pay for instructors and courses should begin in February. Mr. Pack said FEMA is not able to provide the CD for the fire manual discussed during earlier meetings. Mr. Pack has lodged a formal complaint with FEMA concerning this issue. Mr. Pack said the manuals will be purchased and if/when the CDs become available they will also be provided to the appropriate agencies. Dave Wheatcraft said Kanawha/Putnam has provided the SERC a copy on shelter-in-place for the workplace video utilizing HMEP Grant funds. DR Smith said Wood County, WV and Washington County, Ohio have formed the first joint agreement for hazardous materials in the U.S. This system will enable these counties to notify up to 8000 phones per hour in case of a disaster. The systems are housed at Wood Co. 911 center and Washington Co. sheriffs department. Both county commissions have provided funding to enable the counties to provide better protection to their citizens.

New Business - Mark Wolford said the new CAMEO Y2K compliant program is now available, please see him for details. Richard Jarvis moved to adjourn, Denny McGann seconded. Motion passed. Meeting ended at 12:20 p.m.

Scheduled date for next meeting January 21, 2000 at 11:00 a.m.